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July 18, 2008

Magistrate Judge Margaret Smith  
United States District Court  
Southern District of New York  
300 Quarropas Street, Room 520  
White Plains, New York, 10601

Re: Diane H. Kennedy  
Civil Case No.: 08-03414 (CLB)(LMS)

Dear Hon. Margaret Smith:

This letter is being sent to you to advise you that the judgment held by the Appellant, Daimler Chrysler Financial Services which is the basis for this Appeal has been vacated by Order of the Southern District of New York District Court in a separate pending action.

Accordingly, the Appeal before this Court is now moot.

Please be further advised that counsel for the Appellant is in the process of preparing a Stipulation to Dismiss the Appeal to be filed with this Court.

Thank you for your attention to this matter. Please contact me with any questions.

Respectfully,

GENOVA & MALIN

cc: Leigh Hoffman, Esq.

ANDREA B. MALIN